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April 26, 2023

BY ECF AND ELECTRONIC MAIL

**MEMO ENDORSED**

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 618  
New York, New York 10007

*Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)*

Dear Judge Failla:

We represent Defendant Capital One, National Association ("Capital One") in the above-captioned matter. We inadvertently filed a copy of Capital One's response to Plaintiffs' pre-motion conference letter ("Response Letter") that contained unredacted confidential information. Pursuant to Electronic Case Filing Rule 21.8, we respectfully request that ECF No. 39 be sealed. We are re-filing a properly redacted copy of the Response Letter on the public docket, and a properly highlighted version of the Response Letter under seal.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

Application GRANTED. The Clerk of Court is directed to maintain docket entries 39 and 44 under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 41.

SO ORDERED.

Dated: April 26, 2023  
New York, New York

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE